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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional) 12873/04345

In re Application No.: 09/695.612 Filed: October 24, 2000 For: OXYGEN CONSERVING DEVICE UTILIZING A RADIAL MULTI-STAGE COMPRESSOR FOR HIGH PRESSURE MOBILE STORAGE The owner*injurating_Corporation_ except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>5.923,180</u> as the term of said prior patent is defined in 35 U.S. C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal discalamer. The owner hereiner. The owner hereiner, its successors of a said of the instant application and is binding upon the granter. The owner hereiner, its successors of a said or said of the instant application and is binding upon the granter. The owner hereiner, its successors of a said or the instant application which would extend to the expiration should not the instant application and is binding upon the granter. The owner hereiner, is successful. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent are commonly owned. This agreement runs with a repetition date of the full statutory terms as defined in 35 U.S. C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later. Is resulted to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutoryl disclaimers to pay a maintenance fee; is held unenforceable; is statutoryl disclaimers, and the said prior patent is pay and the pay a		
Filed: October 24, 2000 For: OXYGEN CONSERVING DEVICE UTILIZING A RADIAL MULTI-STAGE COMPRESSOR FOR HIGH PRESSURE MOBILE STORAGE The owner*. Invacars Comoration except as provided below, the terminal part of the statutory tom of any patent granted on the instant application hereby disclaims, except as provided below, the terminal part of the statutory tom of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 9,223,169. as the term of said prior is defined in SU.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application and is binding upon the grantee, its successors or assigns. In making the solve disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent part of the term of a part of the term of any patent part of the term of any patent part of the prior patent," in the event that said prior patent later: is held unenforceable; is found invalid by a count of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is reissued; or is reissued; or is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate 1 — For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief a		In re Application of: Joseph B. Richey II
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Paul E. Szabo 12/08/2005 FMETEKI1 00000047 09695612 Typed or printed name 130.00 0P 146-622-8578 Telephone Number V Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.		2. The undersigned is an attorney or agent of record. Reg. No. 30,429
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.